

**IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF ILLINOIS
EASTERN DIVISION**

GEORGE CAVELLE,

Plaintiff,

v.

CHICAGO TRANSIT AUTHORITY and
DORVAL R. CARTER, JR.,

Defendants.

Case No.: 17-cv-05409

Judge Robert M. Dow, Jr.

Magistrate Judge Gabriel A. Fuentes

PARTIES' JOINT STATUS REPORT

Pursuant to Magistrate Judge Fuentes' Order dated June 11, 2020 (Dkt. No. 179), Plaintiff George Cavelle ("Plaintiff") and Defendants Chicago Transit Authority ("CTA") and Dorval Carter, Jr. ("President Carter") (collectively, the "Parties") submit the following report summarizing the progress of discovery and discovery closure:

I. Fact Discovery

A. Oral Discovery

The Parties have completed, or chosen to forego, the depositions identified as outstanding in their previous joint status report. (*See* Dkt. No. 177.) David Marano's deposition was completed on June 9, 2020, and James Keating's deposition was completed on July 22, 2020. Based on Plaintiff's position that he is not pursuing any claims or seeking any relief based upon the statements in emails exchanged between President Carter and Frank Kruesi (Dkt. 183 at 2), Defendants agreed that they would not require additional deposition time with Plaintiff.

Thus, the Parties' oral fact discovery is complete. However, Defendants note, as explained in the previous joint status report, that they reserve the right to take Jennifer Sawka's deposition

in the event the Court grants Ms. Sawka's motion for intervention. That motion is fully briefed. (*See* Dkt. Nos. 147, 184, and 188.)

B. Written Discovery

On February 14, 2020, the CTA issued its Third Supplemental Requests for Production to Plaintiff, seeking documents relevant to Plaintiff's newly added claims. Plaintiff's responses were due on March 16, 2020. (Dkt. 143.) Plaintiff provided responses to Defendants' Third Supplemental Requests on June 26, 2020. In response to Defendants' request for copies of Plaintiff's 2019 taxable income records, Plaintiff stated that he would supplement his production when his 2019 tax returns have been prepared and filed. Defendants made additional requests for those documents on July 27, 2020, and August 4, 2020. Plaintiff has not provided copies of his 2019 taxable income records as of the filing of this status report. With the exception of those documents, the Parties' written fact discovery is complete.

II. Expert Discovery

The Court has not yet set a schedule for expert discovery. The Parties anticipate that expert discovery will be required on the issue of damages. On August 3, 2020, the Parties conferred regarding the sequencing of expert discovery in relation to any dispositive motion practice. Plaintiff proposed that Defendants file their anticipated motion for summary judgment first, and that following resolution of the motion, the Parties could proceed with expert discovery. Plaintiff only intends to call a witness on the amount of damages, not causation or liability. Defendants disagreed with that approach, and requested that expert discovery be completed prior to any dispositive motion practice. Defendants believe that the element of damages may provide separate and additional grounds for a dispositive motion, and that the Court should consider that argument at the same time as any other dispositive arguments. Plaintiff believes the amount of damages should not impact Defendants' arguments.

Accordingly, Defendants propose a December 14, 2020 cutoff date for expert discovery, with a briefing schedule for any dispositive motions to be determined at that time. This case has not yet been set for trial.

Dated: August 14, 2020

George Cavelle

Respectfully submitted,

Chicago Transit Authority and
Dorval Carter, Jr.

/s/ Robert D. Sweeney

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